

# HOUSE BILL REPORT

## HB 1111

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to court transcripts.

**Brief Description:** Concerning court transcripts.

**Sponsors:** Representatives Kilduff, Stokesbary, Walkinshaw, Goodman, Gregerson, Jinkins, Muri, Rodne and Moeller; by request of Board For Judicial Administration.

**Brief History:**

**Committee Activity:**

Judiciary: 1/15/15, 1/29/15 [DP].

**Brief Summary of Bill**

- Provides that authorized transcriptionists may make official transcripts of testimony and other court proceedings, and states that official reports transcribed from electronic recordings qualify as prima facie correct statements of testimony or proceedings.
- Exempts transcripts requested for appellate cases from the requirement that transcripts of testimony and proceedings must be filed with the trial court.
- Makes the Administrator for the Courts a consultant for the implementation of electronic recording equipment in courts of limited jurisdiction, instead of a required supervisor.
- Modifies terminology regarding storage mediums for duplicated recordings of court proceedings.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

**Staff:** Omeara Harrington (786-7136).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

Court reporters make verbatim records of court proceedings, depositions, and other official proceedings by means of written symbols or abbreviations in shorthand, machine writing, or oral recording by a stenomask reporter. The report of the official reporter, when transcribed and certified as being a correct transcript of the stenographic notes, is considered a prima facie correct statement of the testimony or oral proceedings. Upon request of the court or an attorney or party to a suit, the official reporter and clerk of court must make or cause to be made a transcript of testimony, which is filed with the trial court for the use of the court or parties to the action.

Under court rule, in any superior court proceeding, electronic or mechanical recording devices approved by the Administrator for the Courts (AOC) may be used to record oral testimony in lieu of or supplementary to causing shorthand notes to be taken. Discretion as to the use of such devices rests with the court. Courts of limited jurisdiction are required to electronically record proceedings. Pursuant to statute, the AOC is required to supervise the selection, installation, and operation of any electronic recording equipment in courts of limited jurisdiction. There is a statutory \$25 fee for each video tape or other electronic storage medium of duplicated recordings of court proceedings.

Currently pending in Washington Supreme Court is a proposed set of amendments to the court rules pertaining to electronic recording and transcription of court proceedings. Among the proposed changes is a new court rule defining "authorized transcriptionist" as a person approved by a superior court to prepare an official verbatim report of proceedings of an electronically recorded court proceeding. The proposed rule contains minimum requirements for authorized transcriptionists, which are that the person must: (a) be certified as a court reporter; (b) be certified by the American Association of Electronic Reporters and Transcribers; or (c) have completed a one-year supervised mentorship with a certified court reporter or authorized transcriptionist. Other proposed amendments to the court rules would require filing of a report of proceedings for purposes of appeal to the appellate court, rather than the court in which the trial was held.

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**Summary of Bill:**

Amendments are made to various statutory provisions regarding court transcripts.

In addition to court reporters, authorized transcriptionists may make official transcripts of testimony or proceedings. An official report of an electronically recorded proceeding prepared by an authorized transcriptionist has the same status as the report of a court reporter, and is considered a prima facie correct statement of the testimony or oral proceedings. The requirement to file a transcript of proceedings with the trial court is amended to make exception for transcripts requested for an appellate case. The \$25 fee for duplicated recordings of a court's proceedings is a fee for duplication to a "video" rather than to a "video tape."

The AOC is a consultant for the implementation of electronic recording equipment in courts of limited jurisdiction, instead of a required supervisor.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is by request of the Board for Judicial Administration. The recommended changes are based on years of study by the Court Management Council (CMC). The CMC found that there are a lot of inconsistencies in the court rules and statutes. Most of the proposed changes are to court rules, but there are some areas of overlap with statute that need to be addressed.

This is a common sense courts bill that modernizes applicable statutes and gets rid of outdated terminology. It provides parity between court reporters and court transcriptionists, and allows appellants to have matters heard in a timely fashion. Courts have been using electronic recording since the 1980s, particularly courts of limited jurisdiction, which are not courts of record. It does not make sense anymore to require the AOC to supervise the use of this technology. There is no need to file a record for use on appeal with the clerk of the trial court, and it is more efficient to directly file in the appellate court.

(Opposed) None.

**Persons Testifying:** Representative Kilduff, prime sponsor; and Mellani McAleenan, Board for Judicial Administration.

**Persons Signed In To Testify But Not Testifying:** None.